

United States District Court

WESTERN DISTRICT OF WASHINGTON

MICHAEL ALLEN ABERLE

JUDGMENT IN A CIVIL CASE

v.

MAGGIE MILLER-STOUT

CASE NUMBER: C09-5735RJB

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

THE COURT HAS ORDERED THAT

(1) Petitioner objects to the Report and Recommendation, arguing that the sentence he received was unfair because may have to serve 120 months, including his sentence and community custody, and therefore he will not get credit for the good time credits he has earned. Dkt. 15, at 2. Petitioner was sentenced within the statutory maximum. Petitioner has not shown that he is entitled, at sentencing, to a breakdown of how much of his sentence he will serve in prison and how much will be served in community custody. The Court **ADOPTS** the Report and Recommendation (Dkt. 13).

(2) The petition for writ of habeas corpus is **DENIED**.

(3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in the United States District Courts, a certificate of appealability is **DENIED** with respect to all claims asserted by petitioner in his habeas petition.

April 2, 2010

Date

BRUCE RIFKIN

Clerk

s/ Mary Trent

Deputy Clerk